

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

RESOLUTION NO. 2009-126

WHEREAS, the County Commissioners of Charles County, Maryland, by authority of Title 9, Subtitle 5, Environment Article, Annotated Code of Maryland, is directed to adopt and submit to the Maryland Department of the Environment a report of the review of the comprehensive plan for the provision of both adequate water supply systems and sewer systems throughout the County to include all towns, municipal corporations, and sanitary districts within Charles County, the said water and sewer plan to be consistent with land use master planning in Charles County; and

WHEREAS, by Resolution dated December 15, 2006, the County Commissioners of Charles County, Maryland, adopted an updated Comprehensive Water and Sewer Plan for Charles County and said report and Comprehensive Water and Sewer Plan has been approved by the Maryland Department of the Environment; and

WHEREAS, the County Commissioners of Charles County, Maryland, held a public hearing on May 12, 2009 and a subsequent Work Session on July 7, 2009, to consider proposed amendments to the Charles County Comprehensive Water and Sewer Plan; and

WHEREAS, after serious deliberation and study the County Commissioners of Charles County, Maryland, are of the opinion that it is in the best interest of the citizens of Charles County that the Comprehensive Water and Sewer Plan be amended.

NOW THEREFORE, BE IT RESOLVED, this 7th day of July, 2009, by the County Commissioners of Charles County, Maryland that the County Commissioners grant a W3 and S3 Conditional map category to amendment request number 2009-1A (Indian

Head Science and Technology Park property, known as Tax Map 12, Parcels 133, 438, 150, 120 and p/o 129) as shown on Water and Sewer Plan Map 1 with the condition that:

- 1) The Developer must obtain a water and sewer allocation from Charles County for the proposed use prior to connecting to the public system.

BE IT FURTHER RESOLVED, that the County Commissioners grant map amendment request number 2009-2A establishing a “Denial of Access Area” on portions of the sewer force main and gravity sewer lines that extend from the College of Southern Maryland and Mt. Carmel Woods, that ultimately connect to the Mattawoman Sewer Collection System as requested by the Maryland Department of the Environment.

BE IT FURTHER RESOLVED, that the County Commissioners adopt a text amendment to be added to Chapter 1 of the Comprehensive Water and Sewer Plan. The adopted text amendment is as follows:

Amendment No. 1

“On page 1-11, Subsection 1.2.4, after “f) insert the following text under “General Policies”:

g) Unimproved properties or existing properties located outside the Development District and in a no-planned service area, to include rural villages, failing systems, minor subdivisions, affordable housing, **commercial properties and planned employment parks** may be served by shared sewage disposal facilities, if approved by the Charles County Commissioners.

Amendment No. 2

“On page 1-11, Subsection 1.2.4, after “g) and pending MDP approval, g), insert the following text under “General Policies”:

h) Unimproved properties or existing properties located outside the Development District and in a no-planned service area, to include rural villages, minor subdivisions, affordable housing, commercial properties, and planned employment parks may be served by shared well facilities, if approved by the Charles County Commissioners.

Amendment No. 3

“On page 1-21, after Subsection 1.3.12 and pending MDP approval, Subsection 1.3.13 Policy on Shared Sewage Disposal Facilities, insert the following text:

1.3.14 Policy on Shared Well Facilities

Shared well facility means a water system which serves more than one parcel or lot of land or more than one use on a single parcel or lot of land with the well facility system located on either 1) individual parcels or lots; or 2) on parcels or lots owned in common by the users or a controlling authority. These systems may be proposed and constructed by a public or private entity. An easement shall be provided from public right of ways to and around shared well facilities to facilitate maintenance. Shared well facilities shall be designed, approved and constructed in accordance with any applicable Federal, State and/or County regulation or law. All shared well facilities for major subdivisions must receive approval of a water category amendment to the Comprehensive Water and Sewer Plan, as the County Commissioners will be the Controlling Authority of all Shared Wells within Charles County. Once approved by the County Commissioners through the water category change process, all shared well facilities shall be automatically included in subsequent updates of the Plan. Shared well facilities are intended for use in conjunction with Shared Sewage Disposal Systems, but may be considered in the case of failed wells, as determined in writing by the Charles County Department of Health, and approval of the Charles County Commissioners.

BE IT FURTHER RESOLVED, that the County Commissioners adopt a text amendment to be added to Chapter 1 of the Comprehensive Water and Sewer Plan. The proposed text amendment as follows:

CHAPTER 1 PLANNING FRAMEWORK

1.4.1 PRIORITY CLASSIFICATION SYSTEM

Amendment No. 1

Water Supply: Priority Classification System

W-6: Outside Designated Service Areas - No Planned Service. This category is assigned to all properties outside municipalities and outside designated water service areas. The establishment of a new water service area or expansion of an existing service area requires amendments to both the Charles County Comprehensive Plan and the Comprehensive Water and Sewer Plan. **In cases where, by necessity of efficiency and effectiveness of the operating systems, water mains are located outside the**

designated service area and the county's designated development district, a "denial of access area" will be established along water mains located outside service areas and depicted on the water category maps. No property shall be permitted to connect to the water main within the denial of access area.

Amendment No. 2

Sewer Service: Priority Classification System

S-6: Outside Designated Service Areas - No Planned Service. A category assigned to all properties outside municipalities and outside designated sewer service areas. The establishment of new sewer service areas to serve new development in these areas is not consistent with the Comprehensive Plan. **In cases where, by necessity of efficiency and effectiveness of the operating systems, sewer mains are located outside the designated service area and the county's designated development district, a "denial of access area" will be established along sewer mains located outside service areas and depicted on the sewer category maps. No property shall be permitted to connect to the sewer main within the denial of access area.**

BE IT FURTHER RESOLVED, that the County Commissioners deny the following amendment requests: (1) map amendment request 2007-2 (Dent's Village, known as Tax Map 61, Grid 2, Parcel 35), and (2) map amendment request number 2002-1 (Plantation Pines, known as Tax Map 9, Parcel 35),

BE IT FURTHER RESOLVED, that said plan, with amendments, replaces and supersedes all previous plans, and it is FURTHER RESOLVED that said amendments shall be submitted to the Maryland Department of the Environment for review.

IT IS FURTHER RESOLVED, that if any clause or section contained within this Resolution is for any reason held invalid by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the remaining clauses or sections enumerated within this Resolution.

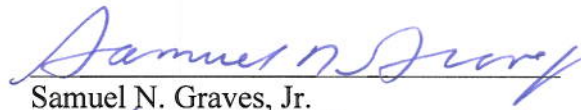
FINALLY, IT IS RESOLVED, that this Resolution shall take effect on the
7th day of July, 2009.

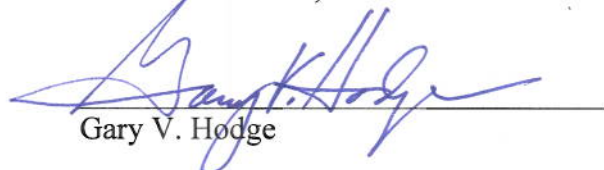
COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND


Wayne Cooper, President


Edith J. Patterson, Vice President


Reuben B. Collins, II


Samuel N. Graves, Jr.


Gary V. Hodge


ATTEST: Denise Ferguson, Clerk